

# The Civil Rights Project

*Proyecto Derechos Civiles*



## Scholarly Findings on Affirmative Action Bans

By David Mickey-Pabello

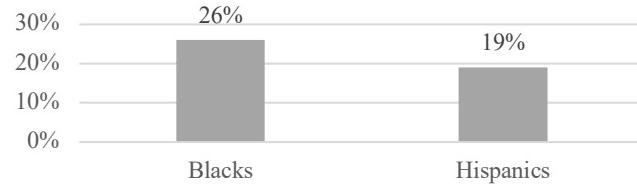
In November of 1996, California voted and approved Proposition 209 (also known as the California Civil Rights Initiative) by a tally of 54.55% to 45.45%. It is unknown how many of those voters voted for the initiative because the name implied that it was pro-civil rights. Nonetheless, California became the first state to ban the practice of affirmative action through a ballot initiative. Several other states followed California's lead.

This policy brief provides an overview of what is known about the impact of these bans nationally and complements research specific to California (see, for example, Kidder 2020). It includes: admission of highly qualified applicants, racial and ethnic diversity in higher education at highly selective and less selective institutions, ethnic and racial diversity in graduate fields of study, STEM degrees, faculty diversity, and the way that colleges and universities have attempted to compensate for the absence of affirmative action.

### An Overview of Affirmative Action Ban Impacts

**Affirmative action bans result in decreased racial and ethnic diversity in higher education.** Numerous studies show that affirmative action bans result in declines in URM (underrepresented minorities) representation. According to Backes (2012), enrollment has declined by a percentage change greater than 25% for Blacks and nearly 20% for Hispanics. Other scholars have also confirmed a decline (Bleemer 2020, Hinrichs 2012, Kehal, Hirschman and Berrey 2018, Mickey-Pabello 2019). Scholars also report reductions in URM graduations, which is natural given that URM enrollments decline (Backes 2012, Bleemer 2020, Hill 2017, Hinrichs 2012, Hinrichs 2014, Mickey-Pabello 2019).

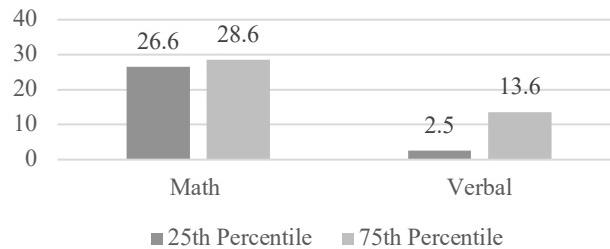
**Percentage Change Decrease in  
Racial Group Enrollment at  
Highly Selective Public Schools  
(Backes 2012)**



Note: This graph was generated for this brief using data from Backes (2012)

**Affirmative action bans failed to accomplish their goal of admitting the best academically credentialed students.** In a forthcoming Civil Rights Project policy paper, Mickey-Pabello uses national data from the U.S. Department of Education for each school's 25<sup>th</sup> and 75<sup>th</sup> Math, and Verbal SAT percentiles to estimate if the students at colleges and universities were better academically credentialed. Mickey-Pabello estimates that SAT Math scores decreased by more than 25 points at both percentiles, and SAT Verbal scores decreased by more than 10 points at the 75th percentile at the most selective schools.

**Declines in SAT Scores Due to  
Affirmative Action Bans**



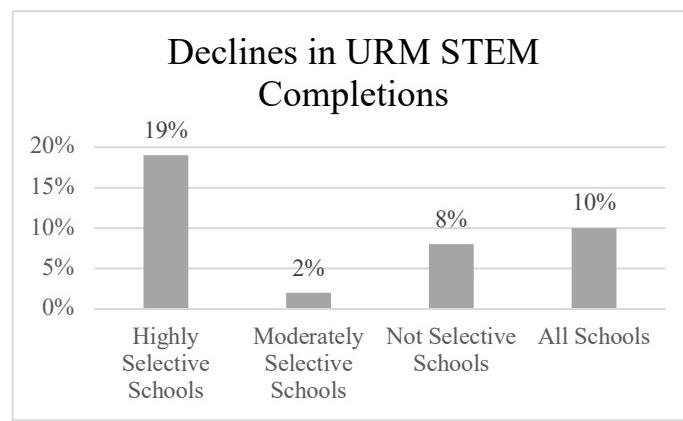
Note: This graph was generated for a forthcoming brief by Mickey-Pabello.

**Affirmative action bans impact more than highly selective public universities, like UC Berkeley and UCLA.** While scholars agree that affirmative action bans are most prominent at highly selective public institutions, Mickey-Pabello (2019) and Bleemer (2020) found that affirmative action bans create an avalanche or cascading effect. Mickey-Pabello (2019) theorized that although there is no net-change in URM enrollments at less selective schools, better qualified URM students would have attended more selective schools and thereby push out less qualified URM students. That theory was empirically proven by Bleemer (2020), who analyzed the enrollments and applications to show the avalanche or cascade exodus of URMs students from highly selective schools to less selective ones. Furthermore, Mickey-Pabello (2019) finds that URM enrollment increased at for-profit colleges and universities, institutions notorious for

disadvantaging URM s (Cellini, Darolia and Turner 2016, Cellini, Darolia and Turner 2020, Cellini and Koedel 2017, Cellini and Turner 2019).

According to Hirschman and Berrey (2017), starting in the late 1990s, private schools also began to stop practicing affirmative action; a sharp drop in the number of schools practicing race-based admissions was followed by a slight but steady decrease to the present day. This is peculiar because the text of laws and ballot initiatives have specifically targeted public schools and not private schools. The researchers speculate that many private colleges and universities discontinued the practice of affirmative action due to the threat of costly legal battles. Several scholars estimated declines in underrepresented minority students (herein URM s: Blacks, Hispanic, and Native Americans) at private schools (Backes 2012, Kehal, Hirschman and Berrey 2018, Mickey-Pabello 2019). Although many Asian subgroups (e.g., Vietnamese and Cambodian) are considered URM s by specific colleges and universities, the national data sets that study affirmative action bans do not identify ethnoracial subgroups.

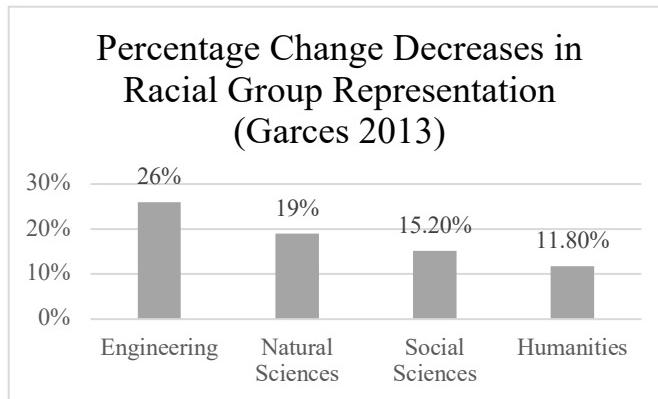
**Affirmative action bans decrease URM Science Technology Engineering and Math (STEM) attainment.** Based on data from California before its affirmative action ban (Prop 209) of 1996, Arcidiacono, Aucejo, and Hotz (2016) produced a simulation that indicated URM students at the elite schools in the University of California system would have had higher graduation rates if they had gone to less selective schools. These researchers hypothesized that affirmative action bans would create conditions that place URM students at less selective schools but ultimately increase their graduation rate. However, national studies found that URM STEM graduation declined due to the bans (Hill 2017, Mickey-Pabello 2019). Hill estimates that the decline is 10% at all public schools but is 19% at highly selective schools. Bleemer (2020), who used data from the University of California system, most directly challenges Arcidiacono, Aucejo, and Hotz's (2016) hypothesis. He found that the URM students enrolled at less selective schools due to affirmative action bans did not see increased graduation rates; they saw decreases.



Note: This graph was generated for this brief using data from Hill (2017)

**Affirmative action bans also impact graduate schools and professional schools (e.g., law schools and medical schools).** In graduate schools and professional schools, URM students' proportion is typically lower than at the undergraduate level. The bans have decreased further the

representation of URM students in graduate schools (Garces 2013), law schools (Wightman 1997), and medical schools (Garces and Mickey-Pabello 2015, Mickey-Pabello and Garces 2018). At graduate schools, Garces (2013) estimates that those declines are the greatest in STEM fields.

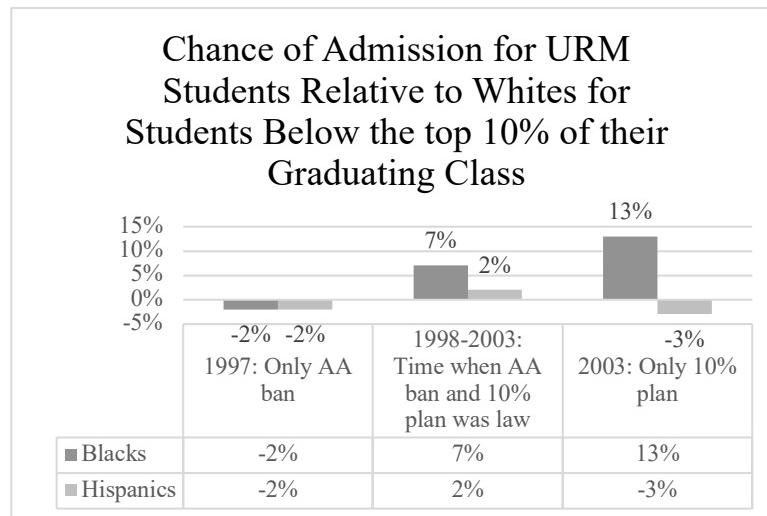


Note: This graph was generated for this brief using data from Garces (2013)

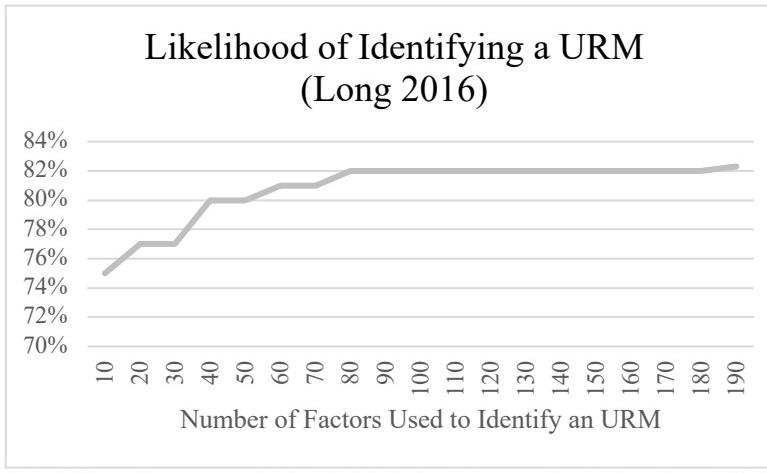
**Affirmative action bans discourage applications from URM students.** One study based on Texas data estimates that Black and Hispanic students applied less to Texas schools because of affirmative action bans (Dickson 2006). Using California and Texas data, another study found that applications declined for Black and Hispanic students (Long 2004). Again, using California and Texas data, another study found no change in the application behavior of Black and Hispanic students (Card and Krueger 2005). Yet another study, based on data from Washington, indicates that applications declined (Brown and Hirschman 2006). Most of the scholarship showed modest declines in applications. However, most of those studies took place recently after affirmative action bans were implemented and did not investigate the bans' long-term impacts on applications. Since the time of those studies, four essential things occurred or failed to occur in California: 1) The proportion of California URMs dramatically increased (Marin and Yun 2011); 2) California's population size grew vastly; 3) According to the 2019 *US News & World Report* rankings, six of the top ten most applied-to schools in the US are part of the University of California System and; 4 )The UC system failed to build more campuses or expand enrollment in a manner that would accommodate demand (Kidder and Gándara 2016). Most recently, Bleemer (2020) finds that URM applications to the University of California system declined due to Proposition 209.

**Colleges find alternative pathways to race-based plans, but they are insufficient to maintain the racial diversity that affirmative action provides.** The two most popular alternative pathways to race-based affirmative action are 1) implementing "percentage plans" and 2) "using another similar factor instead of race." Many professional organizations in higher education have advocated for alternative paths to racial diversity in light of affirmative action bans (Association of American Colleges & Universities 2015, Espinosa, Orfield and Gaertner 2015). Several studies show that percentage plans cannot entirely circumvent racially-based affirmative action policies (Flores and Horn 2016, Long and Tienda 2008, Long and Tienda 2010). Other studies

show that affirmative action bans are not overcome by using another similar factor instead of race (Alon 2015, Kidder 2016, Kidder and G  ndara 2016, Long 2016, Reardon et al. 2017). Long (2016) finds that even a model using a combination of 195 factors does not adequately substitute for a URM's race because that model could only correctly identify a student as a URM 82.3% of the time. Additional strategies, such as the targeted recruiting of geographic areas with a high population of URMs, have also not worked.



Note: This graph was generated for this brief using data from Long and Tienda (2008)



Note: This graph was generated for this brief using data approximated from Long (2016)

**Affirmative action bans have *side-effects*.** The most recent research on affirmative action bans' impacts shows unintended and unanticipated side effects (Garces and Mickey-Pabello 2015, Kidder and G  ndara 2016, Mickey-Pabello 2019, Venkataramani et al. 2019). Kidder and G  ndara (2016) find that affirmative action bans narrow the faculty production pipeline at UCLA and UC Berkeley for Black and Hispanic students. Garces and Mickey-Pabello (2015) show that affirmative action bans have constrained the pipeline for medical doctors' racial diversity.

Bleemer (2020) shows that the proportion of URM s earning an income of at least \$100,000 fell by 3% due to affirmative action bans, while Whites and Asians' income levels were unchanged.

## Conclusion

In sum, the scholarly research indicates that bans on affirmative action create racial inequality and are, therefore, against the spirit of civil rights. They reduce URM applications, enrollments, and graduations, make schools with bans less meritocratic, and ultimately constrain the pipeline for careers where racial diversity is of paramount importance.

Voting “YES” on Proposition 16 to repeal the bans on affirmative action will foster racial equality. Voting “NO” will maintain racial inequality.

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